

FILED BY h D.C.

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

05 SEP 29 PM 3:10

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W.D. OF TENN. MEMPHIS

BETTY SMITH,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 04-2209 M1/P
	)	
JO ANNE B. BARNHARDT	)	
Commissioner of Social	)	
Security,	)	
	)	
Defendant.	)	

**ORDER ADOPTING REPORT AND RECOMMENDATION**

This cause is before the Court in connection with the Report and Recommendation of Magistrate Judge Pham regarding Plaintiff Betty Smith's appeal from a decision of the Commissioner of Social Security, denying her application for disability benefits. Judge Pham's proposed report and recommendation was filed on August 17, 2005. The magistrate judge recommended that this Court affirm the Commissioner's decision denying Plaintiff's application for disability benefits.

Plaintiff objects to three findings of the Administrative Law Judge and contends that the magistrate judge should not have found those findings supported by substantial evidence. Plaintiff contests three findings: (1) that Plaintiff's work as her daughter's housekeeper is past relevant work; (2) that Plaintiff retains the residual functional capacity to perform

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medium level work; and (3) that Plaintiff retains the mental residual functional capacity to meet the demands of simple, repetitive work.

The Court has reviewed the Report and Recommendation and the entire record of the proceeding before the magistrate judge. The magistrate judge specifically addressed these three objections in his Report and Recommendation under the substantial evidence standard. Based on a de novo review of the record before the magistrate judge, the Court finds Plaintiff's objections without merit and ADOPTS the Report and Recommendation in its entirety.

So ORDERED this 26th day of September, 2005.



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JON P. McCALLA  
UNITED STATES DISTRICT JUDGE



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This notice confirms a copy of the document docketed as number 22 in case 2:04-CV-02209 was distributed by fax, mail, or direct printing on September 29, 2005 to the parties listed.

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Honorable Jon McCalla  
US DISTRICT COURT